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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,007	05/23/2001	Arto Lehtonen	442-010303-US(PAR)	1869
7590	11/27/2006		EXAMINER	
Perman & Green 425 Post Road Fairfield, CT 06430-6232			SHARMA, SUJATHA R	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/864,007	LEHTONEN, ARTO	
	Examiner	Art Unit	
	Sujatha Sharma	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones [US 6,606,506] in view of Arazi [US 6,430,395].

Regarding claims 1,13, Jones discloses a personal entertainment and communication device having a headset electronically connected to the master unit/communication unit. Jones further discloses

- A mobile phone (see Fig. 2, 18 in Fig. 5)
- A headset separate from the mobile station; see fig.1 and fig. 5
- a method for transferring audio signals of a call between the mobile station and the headset (see col. 1, line 55 – col. 2, line 20, col. 4, lines 1-49). Jones further discloses a method to transfer files between the master unit/communication unit and the headset (see col. 5, lines 5-65, col. 6, lines 14-60)

and the said headset comprises

- a memory means to store these files (see Figs. 2,3 and 4 and col. 3, lines 8-38 and col. 5, lines 6-19, col. 6, lines 14-60). See also background of invention

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- a media player which is arranged to decode a file which is stored in the headset (see fig.6 for the arrangement of the media player where a decoder in the cellular telephone decodes the stored mp3 files in the headset)

Jones however does not disclose a method wherein short-range transceivers are used in the headset and the master/communication unit for wireless communication between the headset and the master/communication unit.

However, it is well known in the art that short range communication such as Bluetooth is a cable replacement technology that connects one device to another with one universal short range radio link as taught by Arazi. See col. 2, lines 35-57, col. 38, line 65 – col. 39, line 8.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to use short range transceivers as taught by Arazi in Jones invention as a cable replacement.

Regarding claim 2, Jones discloses a method wherein the headset is arranged to receive files from the mobile station and store the said file in the headset. See Figs. 2,3 and 4 and col. 3, lines 8-38 and col. 5, lines 5-65, col. 6, lines 14-60. See also background of invention

Jones however does not disclose a method wherein short-range transceivers are used in the headset and the master/communication unit for wireless communication between the headset and the master/communication unit.

However, it is well known in the art that short range communication such as Bluetooth is a cable replacement technology that connects one device to another with one universal short range radio link as taught by Arazi. See col. 2, lines 35-57, col. 38, line 65 – col. 39, line 8.

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Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to use short range transceivers as taught by Arazi in Jones invention as a cable replacement.

Regarding claim 3, Jones further discloses the files to be user files. See background of invention, col. 5, lines 5-65, col. 6, lines 14-60.

Regarding claim 4, Jones further discloses the memory in the headset to be a detachable memory. See Fig. 2, col. 3, lines 24-38.

Regarding claim 5, Jones discloses the headset to comprise of a speaker and a microphone. See col. 1, line 66 – col. 2, line 2.

Regarding claim 6, Jones further discloses a method where the headset comprises a user interface and the master/communication unit is arranged to control the user interface. See col. 3, lines 9-67.

Regarding claim 7, Jones further discloses a headset comprising of a multimedia player. See summary of invention, abstract and col. 1, lines 9-23, Figs. 1 and 6.

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Regarding claim 8, Jones discloses two earpieces in the headset and as a multimedia player an audio player that is arranged to play music in the earpieces. See summary of invention, abstract and col. 1, lines 9-23, Figs. 1 and 6.

Regarding claims 9,10, Jones further discloses a method wherein the audio player is arranged to play music by decoding a music file which is stored in the head set and further the multimedia player comprising of a number of functions that the mobile station is arranged to control over short-range radio connection. See summary of invention, col. 3, lines 9-38, Figs. 1 and 6.

Regarding claim 11, Jones discloses the communication unit to be a mobile station of a cellular network. See background of invention, col. 3, lines 52-67.

Regarding claim 12, Arazi teaches the use of Bluetooth technology for short-range communication between the headset and the mobile communication device. See col. 2, lines 35-57, col. 38, line 65 – col. 39, line 8.

Regarding claim 13, Jones discloses a method of transferring an audio signal of a call between the headset and the mobile phone, the headset being separate from the mobile phone. See Figs. 1,5 and col. 5, lines 5-65, col. 6, lines 14-60. Jones further discloses

- a memory means to store these files (see Figs. 2,3 and 4 and col. 3, lines 8-38 and col. 5, lines 6-19, col. 6, lines 14-60). See also background of invention

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- a media player which is arranged to decode a file which is stored in the headset (see fig.6 for the arrangement of the media player where a decoder in the cellular telephone decodes the stored mp3 files in the headset)

Jones however does not disclose a method wherein short-range transceivers are used in the headset and the master/communication unit for wireless communication between the headset and the master/communication unit.

However, it is well known in the art that short range communication such as Bluetooth is a cable replacement technology that connects one device to another with one universal short range radio link as taught by Arazi. See col. 2, lines 35-57, col. 38, line 65 – col. 39, line 8.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to use short range transceivers as taught by Arazi in Jones invention as a cable replacement.

Regarding claim 14, Jones discloses two earpieces in the headset and as a multimedia player an audio player that is arranged to play music in the earpieces. See summary of invention, abstract and col. 1, lines 9-23, Figs. 1 and 6.

Regarding claim 15, Jones discloses a headset wherein the said headset comprises an electronics module (17 in Fig. 1) comprising said memory

Jones however does not disclose a method wherein short-range transceivers are used in the headset and the master/communication unit for wireless communication between the headset and the master/communication unit.

However, it is well known in the art that short range communication such as Bluetooth is a cable replacement technology that connects one device to another with one universal short range radio link as taught by Arazi. See col. 2, lines 35-57, col. 38, line 65 – col. 39, line 8.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to use short range transceivers as taught by Arazi in Jones invention as a cable replacement.

Regarding claim 16, Jones further discloses a headset comprising of a multimedia player. See summary of invention, abstract and col. 1, lines 9-23, Figs. 1 and 6.

Allowable Subject Matter

3. Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 17 and 18 is directed toward a method wherein the headset comprises a server application and the mobile station comprises a client application wherein the apparatus is configured for transferring user interface of the headset to the mobile station

The prior art references individually or in combination fail to render the above underlined unique feature obvious.

Response to Arguments

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4. Applicant's arguments filed 4/20/06 have been fully considered but they are not persuasive.

The applicant has the following arguments:

1. Bluetooth technology was known in 1994 and so the fact that Jones did not use in his invention indicates that it was not intended to be used in his invention.
2. The references Jones or Arazi do not disclose a **media player in the headset** that would **DECODE** stored files. Further the applicant argues that the decoding occurs in the control unit 18 and not in the headset.

The examiner respectfully disagrees.

Regarding argument 1, the BLUETOOTH special interest group (SIG) was first formed in 1998 and the standard was first published in 1999. See the attached document showing the history of Bluetooth. So there was no standard that was published during Jones invention that he could have used it. Therefore, the teaching from Arazi that Bluetooth technology can be used for cable replacement is provided to Jones to connect one device to another.

Regarding argument 2, again the examiner would like to draw the applicant's attention to Jones reference. In col. 3, lines 24-38, Jones discloses a memory (32 Mega byte module that has encoded MP3 music) that can be inserted in the headset and then be played using audio related function to be output to the speakers in the headphone. **Thus the headset also functions as a media player.** Since the headset plays the stored encoded MP3 files it is abundantly clear that the headset must have a decoder in the electronics in the headset for decoding the stored encoded file.


Therefore the rejection of the claims as discussed above using the Jones and Arazi references is considered proper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Sujatha Sharma
November 20, 2006